

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | Original Plan |
| <input checked="" type="checkbox"/> | 2nd Amended Plan dated 12/12/2024 |
| <input type="checkbox"/> | Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable) |

Debtor: Nicholaus Sweatt SSN: xxx-xx- xxx-xx-0125 Case Number: 3-24-10787
 Joint Debtor: _____ SSN: xxx-xx- _____

I. Notices

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans, and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk.

To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified, or eliminated. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation within 28 days after the completion of the Section 341 meeting of creditors. Additional objection deadlines may apply as set forth in Section IIIC below. The court may confirm this plan without further notice if no objection to confirmation is filed.

To All Parties: This form plan may not be altered other than in the nonstandard provisions in Section VII. The plan contains no nonstandard provisions other than those set out in Section VII.

Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Not included," if both boxes are checked, or if no boxes are checked, the provision will be ineffective even if otherwise provided for in the plan.

The deadline to object to the amended or modified plan is _____.

| | | |
|--|-----------------------------------|--|
| The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not included |
| Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not included |
| Nonstandard provisions, set out in Section VII | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not included |

Unless otherwise provided for in this plan, the trustee shall disburse payments in the following order after trustee fees: equal monthly payments to secured creditors, administrative expenses including attorney fees, secured claims paid pro rata, priority claims, general unsecured claims.

II. Plan Payments, Length of Plan, and Debtor(s)' Attorney's Fee

A. Monthly Plan Payment: This plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order unless otherwise requested. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ 525 for 7 months;
2. \$ 425 for 9 months;
3. \$ 625 for 44 months;

The total amount of estimated payments to the trustee: **\$35,000.00**

B. Debtor(s)' Attorney's Fee: ☐ None ☐ Pro Bono

Unless otherwise ordered, allowed administrative expenses for attorney's fees will be paid by the trustee.

| | | |
|---|----------------------------------|---------------------------------------|
| Total Fees: <u>\$5,000.00</u> | Total Paid: <u>\$0.00</u> | Balance Due: <u>\$5,000.00</u> |
| Payable _____ /month (Months _____ to _____) | | |

III. Treatment of Secured Claims

If a secured claim is not provided for in Section III, then the trustee will not disburse any funds to the holder of the claim. If a claim listed in the plan as secured is filed or otherwise allowed as fully unsecured, the trustee will pay the claim as an unsecured claim as provided in Section V, and the claim will not be paid as a secured claim under Section III.

If a secured creditor obtains relief from the automatic stay as to collateral listed in Section III, the trustee will cease further payments to that creditor and, as of the date of entry of the order granting stay relief, the plan will be deemed not to provide for that creditor's secured claims beyond payments actually made to the creditor as of that date.

Payment of Notices filed under Rule 3002.1(c): The trustee will pay post-petition notices of fees, expenses, and charges filed pursuant to Bankruptcy Rule 3002.1(c) ("3002.1(c) Notice") pro rata when the trustee pays other secured creditors, unless the debtor timely objects to the 3002.1(c) Notice. A modified plan may be required to maintain feasibility. If the debtor timely objects, the trustee will pay the amount as determined by the court. The trustee will not pay 3002.1(c) Notice amounts if the plan provides for avoidance of the creditor's lien or the surrender of all property securing the creditor's claim.

- A. Payment in Full:** With the exception of tax claims of governmental units, the claims listed below will be paid in full, with the interest rate stated below. If the plan does not state an interest rate, the proof of claim controls the rate of interest. If no interest rate is listed in the plan or the proof of claim, the plan pays the claim without interest. For tax claims of governmental units, the debtor must state the rate required by 11 U.S.C. § 511 to permit the parties to calculate feasibility.

The allowed claim amount stated on a proof of claim controls over any contrary claim amount listed in this section, whether the allowed claim amount is higher or lower (applies to Section IIIA only).

The holder of any allowed secured claim listed in this section will retain its lien as provided in 11 U.S.C. § 1325(a)(5)(B)(i).

| | |
|--|--|
| 1. Creditor: _____ | |
| Address: _____ | |
| Account Number: _____ | Arrearage on Petition Date _____ |
| Interest Rate: _____ | Payoff on Petition Date _____ |
| Disburse adequate protection pre-Confirmation \$ _____ | |
| Other: _____ | |
| <input type="checkbox"/> Real Property | Check one below for Real Property: |
| <input type="checkbox"/> Principal Residence | <input type="checkbox"/> Escrow is included in the regular payments |
| <input type="checkbox"/> Other Real Property | <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly |
| Address of Collateral: _____ | |
| <input type="checkbox"/> Personal Property/Vehicle | |
| Description of Collateral: _____ | |

- B. Maintenance of Payments and Cure of Default:** The debtor(s) will maintain payments during the case on the allowed secured claims listed below pursuant to 11 U.S.C. § 1322(b)(5).

The trustee will pay the arrearage listed on any allowed proof of claim filed before the deadline under Bankruptcy Rule 3002(c) or 3004. If the interest rate is left blank, the trustee will not pay interest on the arrearage. The installment payments will be paid as indicated below.

Any arrearage and the current monthly installment listed on a proof of claim (or a notice filed pursuant to Bankruptcy Rule 3002.1) control over any contrary amounts stated below.

| | |
|---|---|
| 1 Creditor: Summit Credit Union | |
| Address: Attn: Bankruptcy; 1709 | |
| Landmark Dr; Cottage Grove, WI 53527 | |
| Account Number: 10001020700523 | Arrearage on Petition Date _____ |
| Interest Rate: _____ | Payoff on Petition Date 532,452.41 |
| Regular Payment (Direct) _____ | |
| Disburse adequate \$ _____ | |

protection pre-Confirmation _____

Other: _____

☒ Real Property☒ Principal Residence☐ Other Real Property

Check one below for Real Property:

☐ Escrow is included in the regular payments☐ The debtor(s) will pay ☐ taxes ☐ insurance directlyAddress of Collateral: **5102 Tonyawatha Trail Monona, WI 53716**☐ Personal Property/Vehicle

Description of Collateral: _____

2 Creditor: **Summit Credit Union**Address: **Attn: Bankruptcy; 1709****Landmark Dr; Cottage Grove, WI 53527**Account Number: **1212830000089**

Arrearage on Petition Date _____

Interest Rate: _____

Payoff on Petition Date

15,012.21**Regular Payment
(Direct)** _____Disburse adequate
protection pre-Confirmation \$ _____

Other: _____

☒ Real Property☒ Principal Residence☐ Other Real Property

Check one below for Real Property:

☐ Escrow is included in the regular payments☐ The debtor(s) will pay ☐ taxes ☐ insurance directlyAddress of Collateral: **5102 Tonyawatha Trail Monona, WI 53716**☐ Personal Property/Vehicle

Description of Collateral: _____

C. Valuation of Collateral: ☒ NONE**D. LIEN AVOIDANCE** ☒ NONE**E. SURRENDER OF COLLATERAL:** Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.☒ NONE**IV. Treatment of Fees and Priority Claims (as defined in 11 U.S.C. §507 and 11 U.S.C. § 1322(a)(4))**

Trustee's fees are governed by statute, may change during the course of the case, and should not be specified herein.

All allowed priority claims will be paid in full without post-petition interest unless the plan otherwise provides.

The priority debt amount listed on a filed proof of claim controls over any contrary amount listed in this section, unless the court determines that a different amount of the allowed claim is entitled to priority.

A. PRIORITY TAX CLAIMS: ☒ NONE**B. DOMESTIC SUPPORT OBLIGATION(S):** ☒ NONE ☐ CURRENT AND PAID OUTSIDE

C. OTHER: ☒ NONE

V. Treatment of Unsecured Nonpriority Creditors

- A. Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata from any remaining funds after paying other disbursements made in accordance with the plan until either the applicable commitment period is reached or nonpriority unsecured claims are paid in full, whichever comes first.

Pro rata dividends will be calculated by the Trustee upon review of filed claims after the bar date.

- B. ☒ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. Non-Standard Plan Provisions

☒ NONE

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

/s/ Wade M. Pittman

Wade M. Pittman 1090712

Attorney with permission to sign on Debtor(s)' behalf

December 12, 2024

Date

By filing this document, the Attorney for Debtor(s) [or Debtor(s) if not represented by counsel] certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VII.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: **Nicholaus Sweatt**

Chapter 13

Case No.: **3-24-10787**

REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan supersedes all prior requests to amend the Plan and includes all proposed amendments. Terms not fully stated here or in the original Plan are not part of the Plan.
2. Service: A certificate of service must be filed with this request for plan amendment, together with the amended Western Wisconsin Local Form 3015-1.1.
3. Designate one of the following:
 - ☒ A copy of this proposed modification has been served on the parties (the debtor, the trustee, the United States Trustee and all creditors) as required by Fed. R. Bank. P. 3015(g); or
 - ☐ A motion requesting limited service is being filed simultaneously with the Court.
4. I request the following amendment of the Chapter 13 Plan filed with the Court:
 - 1st Amended Plan dated 11/11/2024:
 - a) Plan is extended to 60 months
 - b) Payments are decreased to \$425.00 starting upon the 8th month
 - 2nd Amended Plan dated 12/12/2024:
 - a) Plan is being increased on the 17th month (Sept '25) to \$625.00/month through the remaining life of the plan

All remaining terms of the original Chapter 13 plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment will control.

WHEREFORE, each Debtor requests the Court approve this proposed amendment to the original Chapter 13 Plan.

**UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WISCONSIN**

In Re:

Nicholaus Sweatt

Debtor(s).

Case No: 24-10787

NOTICE OF AMENDED (PRE-CONFIRMATION) CHAPTER 13 PLAN

PLEASE TAKE NOTICE, that the debtor(s), by attorneys, PITTMAN & PITTMAN LAW OFFICES, LLC by Wade M. Pittman, have filed an Amended Chapter 13 Plan. A copy of said Amended Plan is attached thereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve said motion, or if you want the Court to consider your views on the motion, then on or before ***January 2, 2025***, you or your attorney must file with the Court, in writing, your position in said matter and request a hearing and file your original document with the ***United States Bankruptcy Court Western District of Wisconsin, 120 North Henry Street, Room 340, Madison, WI 53703-2559*** and a copy to Wade M. Pittman, ***702 N Blackhawk Ave, STE 101, Madison, WI 53705***. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought by the motion and may enter an order granting that relief.

Dated this 12 day of December 2024, at Madison, Wisconsin.

PITTMAN & PITTMAN LAW OFFICES, LLC

By: s/Wade M. Pittman
Wade M. Pittman
Attorney No: 1090712
Attorney for Debtor
702 N Blackhawk Ave, STE 101
Madison, WI 53705
(608) 233-4336

**UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WISCONSIN**

In Re:

Nicholaus Sweatt

Debtor(s).

Case No: 24-10787

CERTIFICATE OF SERVICE BY MAIL

I, Wade M. Pittman, am an employee of the law firm, Pittman & Pittman Law Offices, LLC, attorney for above-named debtor(s). I certify that on the **12th day of December 2024** I electronically filed an Amended Chapter 13 Plan, Request to Amend Chapter 13 Plan, and Notice of Amended Plan. I also certify that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electrically if the party accepts electronic service, to the parties on the attached page(s).

Dated this 12 day of December, 2024, at Madison, Wisconsin.

PITTMAN & PITTMAN LAW OFFICES, LLC

By: s/Wade M. Pittman
Wade M. Pittman
Attorney No: 1090712
Attorney for Debtor
702 N Blackhawk Ave, STE 101
Madison, WI 53705
(608) 233-4336

Label Matrix for local noticing
0758-3
Case 3-24-10787-cjf
Western District of Wisconsin www.wiwb.uscour
Madison
Thu Dec 12 15:36:20 CST 2024

Capital One/Menards
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Paul & Yvonne Edmunds
7691 Fish Lake Road
Sauk City, WI 53583-9534

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Wade M. Pittman
Pittman & Pittman Law Offices, LLC
702 N Blackhawk Ave, STE 101
Madison, WI 53705-3357

Kimberly P. Sebranek
Laffey, Sebranek, Auby & Ristau, S.C.
16 N Carroll St
Ste 500
Madison, WI 53703-2773

Kristin J. Sederholm
Krekeler Law, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711-2503

Kimberly Sweatt
5102 Tonyawatha Trail
Monona, WI 53716-2978

Wisconsin Department of Revenue
Special Procedures Unit
P.O. Box 8901
Madison, WI 53708-8901

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634-2413

Citibank
Citicorp Cr Srvs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63179-0040

(p)MARK HARRING
ATTN STANDING TRUSTEE
122 WEST WASHINGTON AVENUE SUITE 500
MADISON WI 53703-2758

J. David Krekeler
Krekeler Law, S.C.
26 Schroeder Court, Ste 300
Madison, WI 53711-2503

Resurgent Receivables, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Secretary of Treasury
Treasury Department
1500 Pennsylvania Avenue N.W.
Washington, DC 20220-0001

Summit Credit Union
Attn Bankr. Dept.
PO Box 8046
Madison, WI 53708-8046

Nicholaus Sweatt
5102 Tonyawatha Trail
Monona, WI 53716-2978

Yvonne Edmunds
c/o Krekeler Law, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711-2503

Bank of America, N.A.
PO Box 673033
Dallas, TX 75267-3033

Citibank N.A.
Citibank, N.A.
5800 S Corporate Pl
Sioux Falls, SD 57108-5027

IRS - Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Noe Joseph Rincon
Krekeler Law S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711-2503

Securities and Exchange Commission
175 West Jackson Boulevard
Suite 900
Chicago, IL 60604-2908

Summit Credit Union
Attn: Bankruptcy
1709 Landmark Dr
Cottage Grove, WI 53527-8957

U.S. Trustee's Office
780 Regent Street, Suite 304
Madison, WI 53715-1233

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mark Harring
122 West Washington Ave.
Suite 500
Madison, WI 53703-2578

PORTFOLIO RECOVERY ASSOCIATES, LLC
POB 41067
Norfolk, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Summit Credit Union

| | |
|---------------------|----|
| End of Label Matrix | |
| Mailable recipients | 25 |
| Bypassed recipients | 1 |
| Total | 26 |